

فُرُوعُ الْفِقْهِ

# Furū' Al-Fiqh Classes 1-5

Notes • Summaries • Graphic Organizers

# **Furū' Al-Fiqh**

## **Classes 1-5**



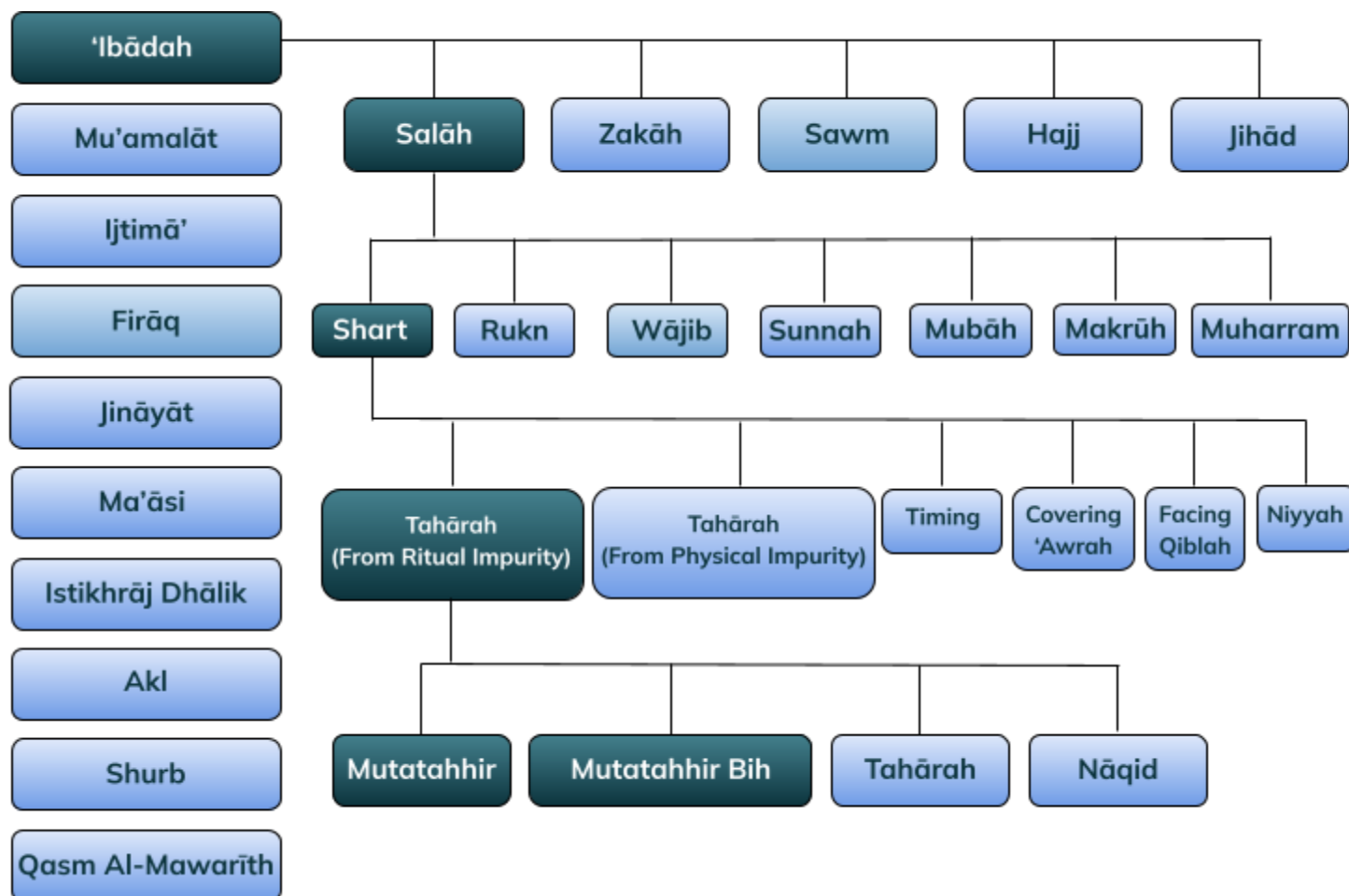
Notes • Summaries • Graphic Organizers



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# Where Are We?

This edition of notes encompasses the darkened sections in the map below:



## Please Note:

These notes are intended to be used as an organized summary to aid in revision and knowledge retention. For all original Arabic texts and proofs, please refer to the provided class transcripts.<sup>1</sup> We encourage students to use this document as an additional resource to the video lectures<sup>2</sup> of the Shaykh, حفظه الله, and to refer to the video lectures to attain the full benefits of the classes.

<sup>1</sup> Available for download from the [Shaykh's Official Telegram Channel](#) and this [link](#).

<sup>2</sup> Available for viewing and download on the [Shaykh's Official YouTube Channel](#) and this [link](#).



## Author

- Full name: Yūsuf ibn Hasan ibn Ahmad ibn Hasan ibn ‘Abdil-Hādi As-Sālihi Jamāl Ad-Deen ibn Al-Mibrad
- Originally from Damascus, Syria, from the historic town of As-Sālihiyyah
- Approx. 220 years between the death of Ibn Qudāmah and birth of the author
- Hanbali in Madhhab
- Lineage traces back to ‘Umar رضي الله عنه (lineage recorded in a poem by him)
- Name is disputed (Ibn Al-Mabrad, Ibn Al-Mibrad, or Ibn Al-Mubarrid)
  - Shaykh AMJ settles with Ibn Al-Mibrad
- Born 840 years AH
- Passed away 909 AH (approx. 500 years ago at less than 78 y/o)
- Learned with biggest ‘Ulamā’ of his time
- Shams Ad-Deen Ibn Tūlūn (one of his students) compiled a large biography on him
- Authored over 400 books in various sciences (Fiqh, grammar, Tafseer, medicine, etc)
  - Authored an entire volume dedicated just to the names of his books in alphabetical order

## Book

- This Matn (Furū' Al-Fiqh) is an extract taken from a larger, 2 volume book by the author titled Zubad Al-'Ulūm
- Zubad Al-'Ulūm was a summarized version (from the mind of the author only) of a larger book written by the author which was an encyclopedia of many sciences, called Jāmi' Al-'Ulūm, which he referenced to in Zubad Al-'Ulūm.
  - Jāmi' Al-'Ulūm doesn't exist today
- A Matn is the opposite of a Hāshiyah/Sharh
  - Not to be confused with 'Matn' in the context of Ahādīth
  - A Matn serves as an outline for a science and a map to understanding the science/book
  - Written so that they can be easily memorized
  - Mutūn (sing. Matn) were originally called Mukhtasarāt
  - Mutūn are like the seed to a tree
  - Learning w/o a Matn is like filling a bottomless cup
  - *"Memorizing the Mutūn acquires the arts"*
    - Memorization is very emphasized when it comes to gaining knowledge
    - One cannot become a scholar without extensive memorization
    - Beneficial knowledge is what's in the heart

## Title

- Furū' Al-Fiqh = Branches of Fiqh
- Lit. definition of Fiqh = understanding/comprehending
  - Terminological definition = Rulings of Shari'ah derived from Qur'an and Sunnah / the study of Islāmic jurisprudence (the Halāl and Harām)
  - Scholarly definition = The study of religious practical matters / rulings derived from the detailed sources
- Furū' is the opposite of 'Usūl Al-Fiqh
  - 'Usūl Al-Fiqh is the trunk of the tree and the branches are Furū'
  - Linguistic definition of 'Usūl = origin
  - Terminological definition = Knowing how to derive rulings from Qur'an, Ahādīth, and Shar'ī evidences
  - 'Usūl deals with general proofs
  - First book on 'Usūl Al-Fiqh was *Ar-Risalāh* (Imām Ash-Shāfi'ī)
- This is one of the most summarized Fiqh Mutūn, probably the shortest
- This is a beginners book in Fiqh
  - The appropriate way to climb the ladder of knowledge is by starting with beginner's books
- Al-Mughni is more advanced book in the Hanbali Fiqh
  - List of popular Hanbali Fiqh books written by Ibn Qudāmah, beginner to advanced:
    - *'Umdat Al-Fiqh* (mentions one opinion)
    - *Al-Muqni'* (mentions multiple opinions, leaves out proof)
    - *Al-Kāfi fi Fiqh Al-Imām Ahmad* (mentions disputes and selects one with proof)
    - *Al-Mughni* (mentions disputes, proofs, other details)
- Author kept this book extremely simple and summarized
- Author breaks down Fiqh into categories somewhat different from other Mutūn
- Encompasses almost all branches of Fiqh, but leaves out some, either for brevity or because author forgot (as it was written from memory)

## Issues Pertaining to Seeking Knowledge

- Don't neglect the spiritual aspect of seeking knowledge
- One must constantly ask Allah for beneficial 'Ilm and sincerity
- Allah never ordered The Messenger ﷺ to ask for anything specifically for matters of Dunya except for 'Ilm (Ibn Hajr)
- The more one learns, the more he should thank Allah, and Allah will increase him in it
- 'Ilm is the biggest blessing, only the special, selected are honored with it
- If Allah wants good for you, He will grant you knowledge
- If Allah doesn't want good for you, He will not allow you to learn
- Knowledge is the leader to Taqwa of Allah (An-Nawawi)
- One needs patience in gaining 'Ilm, and shouldn't rush, *especially* in the beginning
- Ash-Shāfi'i: The more I gain knowledge, the more I realize how ignorant I am
- When you excel in beneficial 'Ilm, you increase in extreme fear of Allah
- Ibn Mas'ūd: Knowledge is not about gaining a lot of Hadīth, it's about fearing Allah

## Matn

Author: The spheres of Fiqh are based on 10 components:

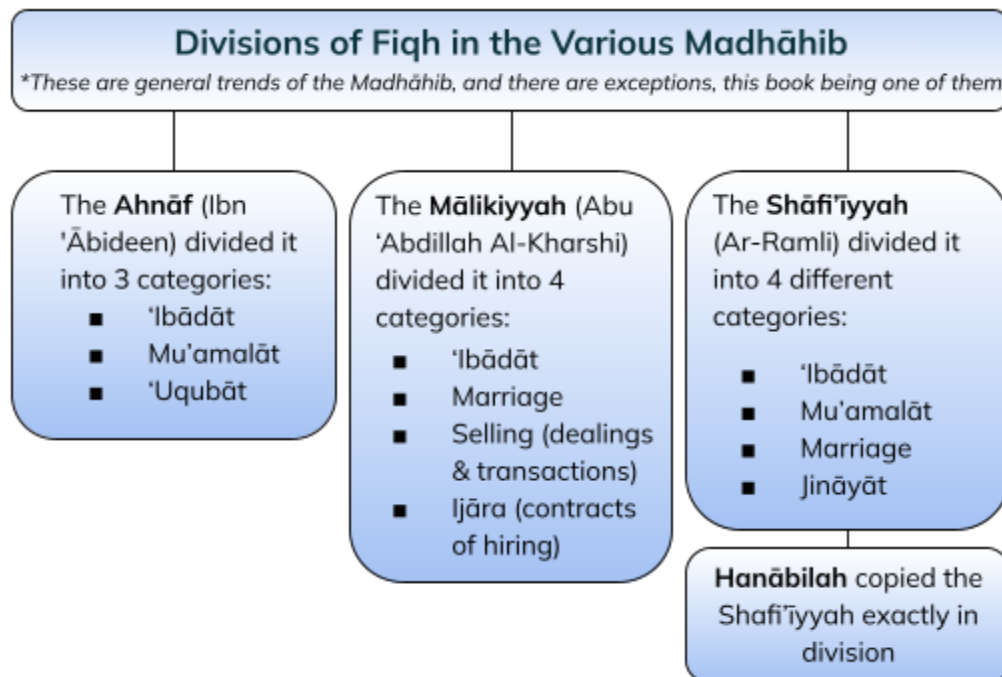
1. 'Ibādah  
**Worship**, people's obligation to Allah, what's between Allah and the creation
2. Mu'amalāt  
**Social dealings among people**, business transactions, buying & selling etc.
3. Ijtimā'  
**Joining people together**, i.e marriage
4. Firāq  
**Matters pertaining to divorce**, Khul', etc.
5. Jināyāt  
**Injurious crimes**, Qisās, etc.
6. Ma'āsi  
**Legal punishments for sins**, like drinking, zinā, stealing, etc.
7. Istikhrāj Dhālik  
**Retrieving one's rights in court**, matters of witnesses and judgeship, etc.
8. Akl  
**Matters pertaining to eating**
9. Shurb

### Matter pertaining to drinking

## 10. Qasm Al-Mawarīth

**Laws of inheritance**, dividing inheritance, etc. Included last because it's the last matter pertaining to one in this Dunya

- These ten spheres can be referred to as the major headings or outlines of the book



- Author divided it into 10 chapters, but many 'Ulamā' and Madhāhib divided it into various other ways
- Dividing Fiqh into categories is not an 'Ibādah, it's Ijtihād of the 'Ālim
  - Done to help people better understand and to organize efficiently
- The number of categories has no effect on substance of the matter being taught
- There will be subheadings to each of the 10 headings
- When knowledge is broken down as such, it makes it easier to comprehend
- The author ends the book at chapter 7 instead of 10, because he combined related chapters
  - He combined chapters on Marriage & Divorce under ch. 3
  - He combined between Jināyāt & Ma'āsi under ch. 4
  - He combined between Eating & Drinking under ch. 6



# 1. 'Ibādāt

Author: The first is 'Ibādah

- Longest chapter, takes up almost half the book
- Despite the different division styles amongst 'Ulamā', Fiqh books almost always start with 'Ibādāt because:
  - It's what we were created for
  - Greatest right upon us (between us and Allah)
  - It is the most noble of matters, as it pertains to Allah
- 'Ibādah = Collective term for everything Allah loves, and is pleased with, whether in sayings or actions, outwards or inwards (Ibn Taymiyyah)

Author: And the acts of worship are five: Salāh, Zakāh, Sawm, Hajj, and Jihād

- Two issues here:
  - **He left out one pillar (Shahādah)**
    - Shahādah and Tawheed is considered Fiqh Al-Akbar (the major Fiqh), and this book is focusing on minor Fiqh
    - There are separate Mutūn dedicated to addressing Shahādah in fields of 'Aqeedah/Tawheed
    - It was rare that 'Ulamā' would ever place Tawheed in books on Fiqh
  - **He added a different one (Jihād)**
    - Some considered Jihād the 6th pillar, to emphasize its importance
      - However, it's better not to consider it such because it's not mentioned in the Hadīth and none from the early Salaf considered it such
      - One should stick to terminology and specification of the Messenger ﷺ
    - Jihād is the most important matter after the obligations, it's extremely important and honorable
      - Imām Ahmad: I don't know anything after the obligations more essential than Jihād
    - Mahfūdh Abul-Khattāb (d. 510 AH) was the first to mention Jihād under 'Ibādah in a Fiqh outline
      - This was the trend of the Hanafiyyah and the latter Hanābilah, and the author was of the latter Hanābilah so he followed in their trend
      - The Shafi'iyyah, Mālikiyyah, and early Hanābilah generally mentioned Jihād under Mu'amalāt (next chapter after 'Ibādah)

- Those who mentioned it under 'Ibādāt (like author) did so because
  - It is an 'Ibādah overall
  - Those 'Ulamā' sought to show the high status of Jihād, so they placed it in the most important chapter
  - It serves as a smooth transition from 'Ibādāt (dealings with Allah) to Mu'amalāt (dealings with people) because Jihād has aspects of both

## Salāh

Author: The first of them is Salāh, and it consists of seven matters:

1. Shart (conditions/prerequisites)
2. Rukn (pillars)
3. Wājib (obligations)
4. Sunnah (recommendations)
5. Mubah (permissible)
6. Makrooh (disliked)
7. Muharram (prohibited)



Common Denominator:  
One is sinful if these 3 are left out  
intentionally

- The author chose prayer first due to the obvious reason that it is:
  - Connection between slave and his Lord
  - Forgiveness of sins
  - Brightness to face and brightness in grave and on Yawm Al-Qiyāmah
  - Sign of Īmān
  - Covenant that signifies difference between believers and Kuffār
  - Last advice the Rasūl ﷺ gave on his deathbed

Author: First is the Shurūt, and they are six. The first of them is purification from ritual impurity.

- Prerequisites are mentioned first because they are matters that need to be done/fulfilled **prior** to the 'Ibādah (Salāh) for its validity
- A Shart is something outside the 'Ibādah, precedes the 'Ibādah, and continues throughout the 'Ibādah all the way to the end (ex. Covering the 'Awrah, Wudhū', facing the Qiblah, ect.)
- There are actually 9 Shurūt, but he skipped 3, probably because
  - They are obvious and known
  - They are considered conditions for all 'Ibādāt, and he's focusing on Salāh here
- He skipped:
  - Islām (one must be Muslim for 'Ibādah to be accepted)
  - 'Aql (one must be sane)
  - Tamyīz (must be at the age of comprehension)
- Reason 'Ibādah is not accepted from these three categories is their inability to retain a Niyyah
  - As for the Kāffir, his Niyyah is rejected

- As for the insane, he cannot attain one
- As for the child, he cannot comprehend it
  - Small exception for this in 'Ibādah of wealth, according to Mālikiyyah, Shafi'yyah, Hanābilah, 'Atā, Mujāhid, and Ibn Sireen, who say Zakāh must be taken even from wealth of a baby or insane person and also in Hajj, as Hajj is accepted from children

## Tahārah

Author: The first of them (the Shurūt) is purification from Hadath.

- Hadath = Ritual impurity
  - Deprives a Mukallaf of anything that requires Tahārah
- 2 types of Tahārah:
  - From Najāsah (physical impurity)
  - From Hadath (ritual impurity), which we are focusing on now
    - Makes one defiled and obligates upon him the purification to do Salāh. Includes both:
      - Major Hadath
        - Everything that necessitates Ghusl (menses, Nifās, Janābah, etc.)
      - Minor Hadath
        - Everything that necessitates Wudhū' (passing wind, urinating, etc.)
- Most Fiqh books have Tahārah in a separate chapter before Salāh. Here the author included it in Salāh, as it's a prerequisite of it
- Proof for Tahārah in Sūrah Mā'idah<sup>3</sup> and numerous Ahādīth
- Tahārah is Ghusl, Wudhū', and sometimes Tayammum (as a replacement of former two)

Author: The prerequisites of Tahārah encompass 3 matters:

1. Mutatahhir (performer of the purification)
2. Mutatahharun Bih (substance used to purify)
3. Tahārah (the purification itself)
4. Nāqid (nullifier of the purification)

- Number 4 is included because there must have been a reason that purification is being performed in the first place (something nullified it)

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<sup>3</sup> Al-Mā'idah: 6

Author: As for the performer of purification, he must be a Mukallaf, not prevented by a tangible factor or legitimate impediment.

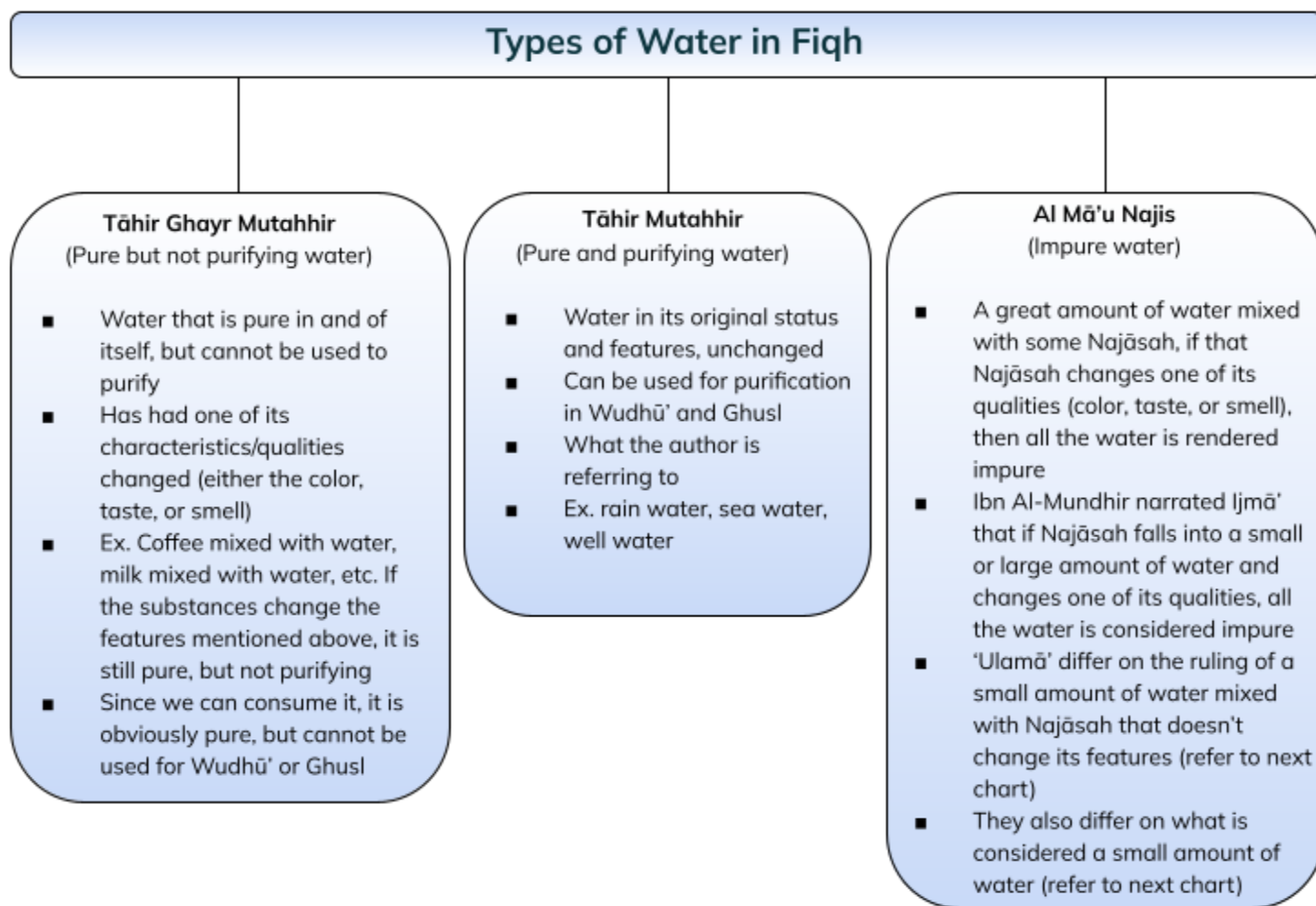
- Mukallaf = Adult (over the age of puberty), sane person, accountable in Dunya and Ākhirah
  - Use of term 'Mukallaf' here rightfully excludes an insane person from making a acceptable purification (which is correct), but it is **problematic** because it entails that the purification of a Mumayyiz child is also not acceptable, implying that his Salāh would not be accepted either
    - Mumayyiz = child under puberty who can comprehend matters, generally around the age of 7 y/o to age of puberty
    - The Prophet ﷺ commanded that Mumayyiz be taught Salāh, which entails making Wudhū'
    - **Possibilities:**
      - Either use of term 'Mukallaf' was incorrect and should have been replaced with 'Mumayyiz'
      - Or the author followed suit with the Mālikiyyah who included Mumayyiz under the term Mukallaf in such issues, despite them not being obligated to pray
        - Vast majority of 'Ulamā' do not refer to Mumayyiz as a Mukallaf ever
      - He may have used the term in the context of purification that is considered an obligation, and such purification is not considered an obligation on a Mumayyiz
- Tangible factors = physical barriers that would prevent water from reaching skin that needs to be washed in purification (ex. nail polish, paint, dough, etc)
  - One must try to remove them as much as possible, and is pardoned after that due to the difficulty beyond that
    - Some scholars (like Ibn 'Aqeel) said even a tiny speck under the nail would render Wudhū' invalid. Ibn Taymiyyah and Al-Mardāwi disagreed regarding small specks and gave leniency regarding them
- Shar'ī impediments = things like Kufr, Niyyah (lack thereof), Menses, Nifās
  - Side note: Although Wudhū' does not remove these impediments, it does lessen them as proven by the Sunnah
    - The Prophet ﷺ would make Wudhū' before eating or sleeping when he was Junub



Author: As for the substance used (for purification), it is pure **water**, or **soil** in its absence or if using it will cause harm.

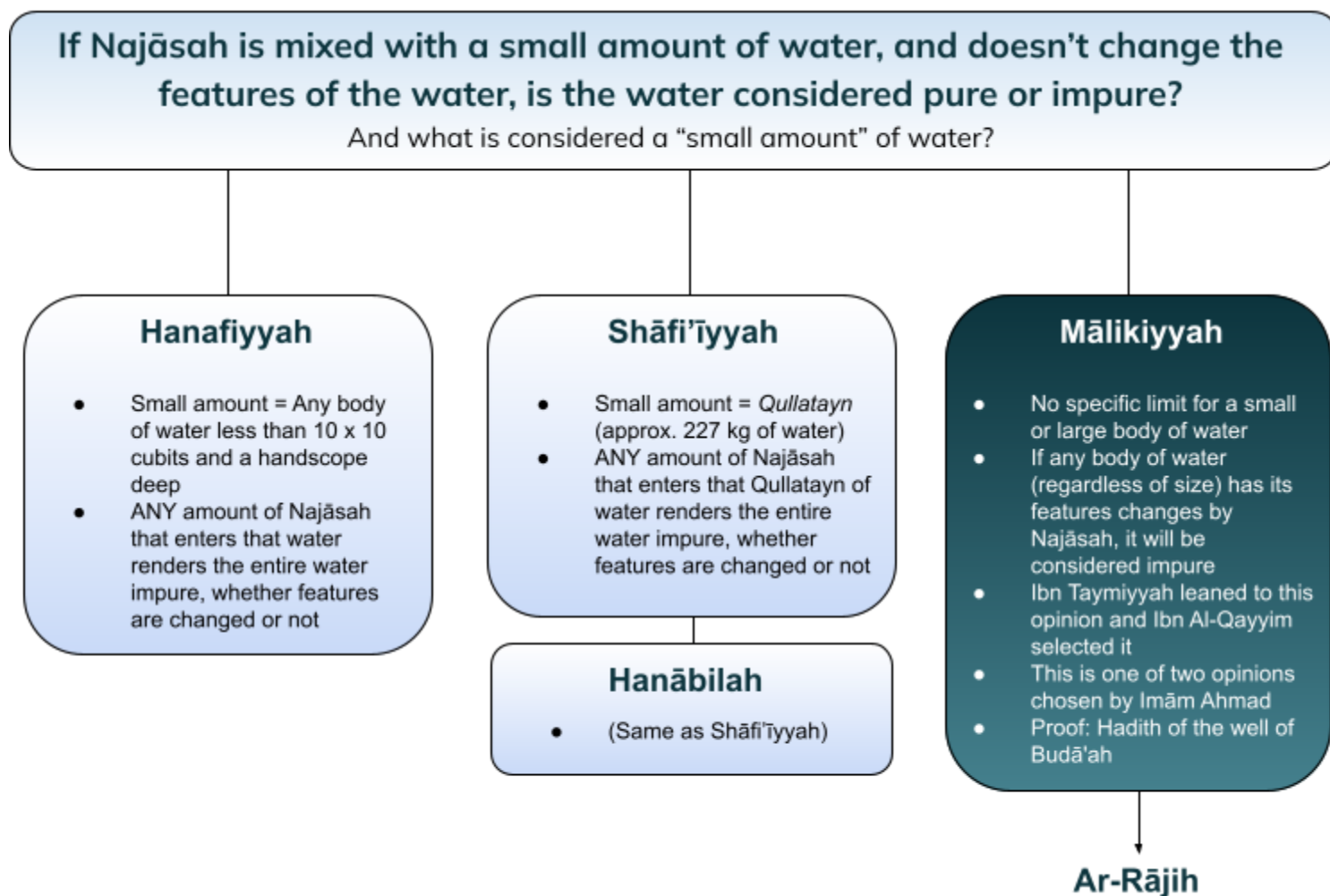
## Water

- Author specified *purifying* water to distinguish from other types of water and liquids, which are not purifying



- Some 'Ulamā' made an exception in the category 'Tāhir Mutahhir' to the first point, saying that if the water is pure but mixed with another pure substance that is difficult to separate from it or avoid it, it can still be considered purifying
  - Consensus on the purity of such water narrated by Ibn Rushd, Ibn Qudāmah, and Ibn Taymiyyah
  - Ex. Grass growing in water, leaves fallen in water

- Very important for Tulāb to learn such issues and encompass all the Masā'il, even if they seem inapplicable in current times. This (old) matter is actually what we refer to when proving the purity of chlorine water (a contemporary matter)
- Regarding the differences of opinions mentioned in the previous chart:



**Issue:** Is using gold and silver articles for Wudhū' permissible, and is the Wudhū' of the one who uses them valid?

- Four Imāms and majority of scholars prohibited it due to the Hadīth in Muslim & Bukhāri prohibiting eating in vessels of gold and silver

- 'Ulamā' said that eating and drinking was only specified because that's what those articles were commonly and popularly used for in that era, but using them for Wudhū' and other purposes comes under the same ruling
- Al-Qurtubi said using vessels for similar means as eating and drinking is also prohibited.
  - Applies to gold and silver faucets, decorations, etc.
- Four Madhahib also indicated that the Wudhū' is still acceptable even if these articles are used, although one would be sinful
  - An-Nawawi and Ibn Hubayrah and others narrated an Ijmā' that the Wudhū' is accepted
    - Reasoning: the vase used in Wudhū' is not from the conditions of Wudhū', so one gets sin for violating the Hadīth, but it doesn't affect the validity of the ablution

## Soil

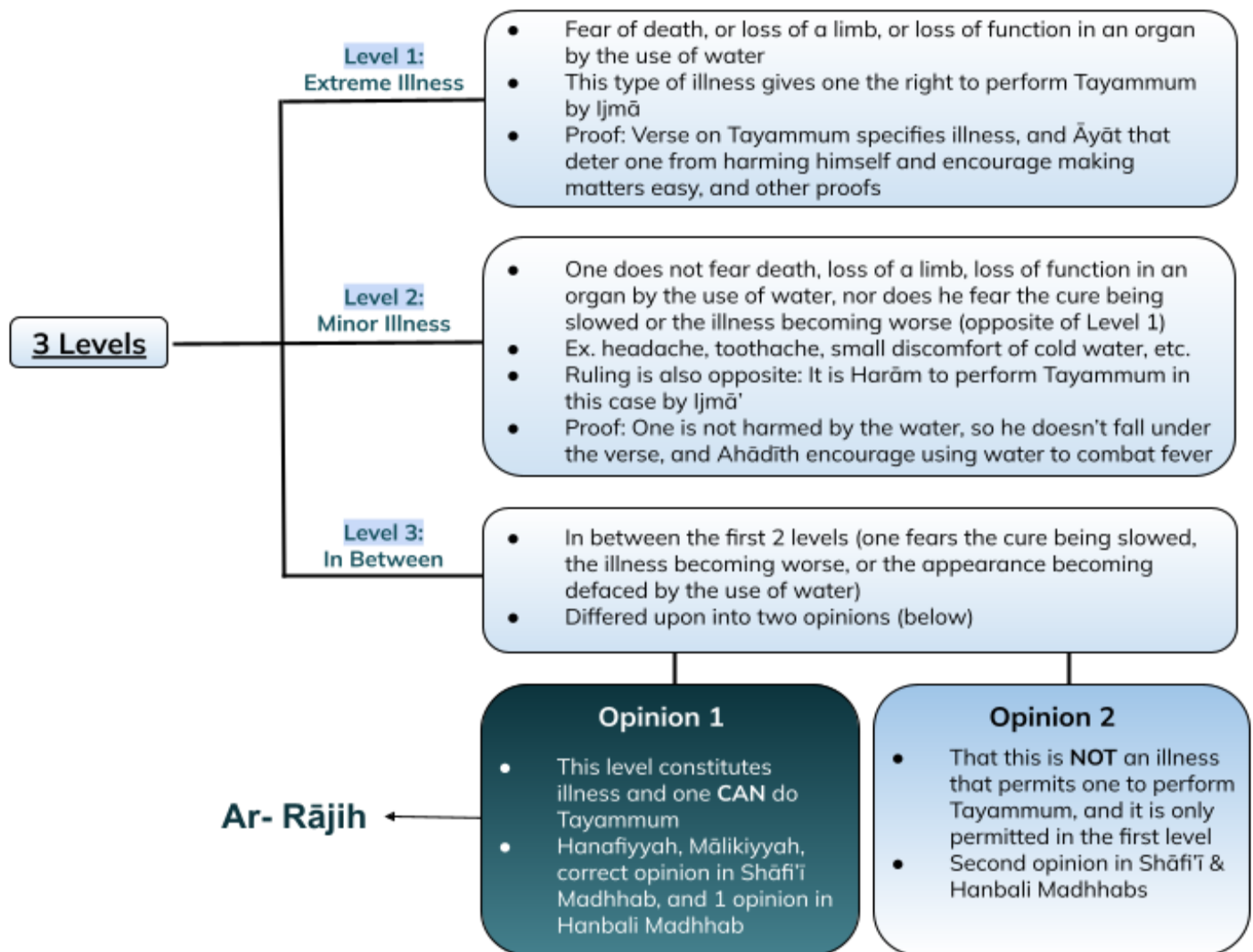
- Soil is used (Tayammum) in two conditions:
  - the absence of purifying water
  - or if water would harm/injure the individual
- Tayammum is not limited to when one is stranded in the wilderness with no water
- Tayammum is dry ritual purification, mentioned in the Qur'an<sup>4</sup>
  - One rubs the face and hands with soil
- Tayammum is mentioned in many Ahādīth
  - Mentioned as one of the things that we have been made to excel over other nations with
- Story of its legislation is when Ā'ishah رضي الله عنها lost her necklace in Al-Baydā' (a dry area) during an expedition and they stayed back to look for it and ran out of water, so Allah revealed the Āyāt about Tayammum

## Issue: What type of illness gives one the right to do Tayammum?

- There are 3 levels of illnesses, two are not disputed and one has a dispute regarding whether it permits one to perform Tayammum

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<sup>4</sup> Al-Mā'idah: 6



**Issue:** A person has water nearby, but is unable to reach it due to reasons such as illness, etc. Is s/he permitted to perform Tayammum instead of Wudhū'?

- Yes, by Ijmā'. A person in such a situation would take the same ruling as one who doesn't have water because of his/her inability to reach it.
  - The Ijmā' was narrated in various Fiqh books of all Madhāhib
- This is also like one who can't reach water due to harm that may result from it, like a wild animal or an enemy attacking at the well

**Issue:** Who makes the decision pertaining to the level of illness?

- If there's a trustworthy, Muslim doctor who tells the ill person that his illness will increase or that there will be a delay in the cure/recovery by use of water, that's sufficient

**Sub-Issue:** Can an ill person judge his own condition, based on what's most likely and probable to happen?

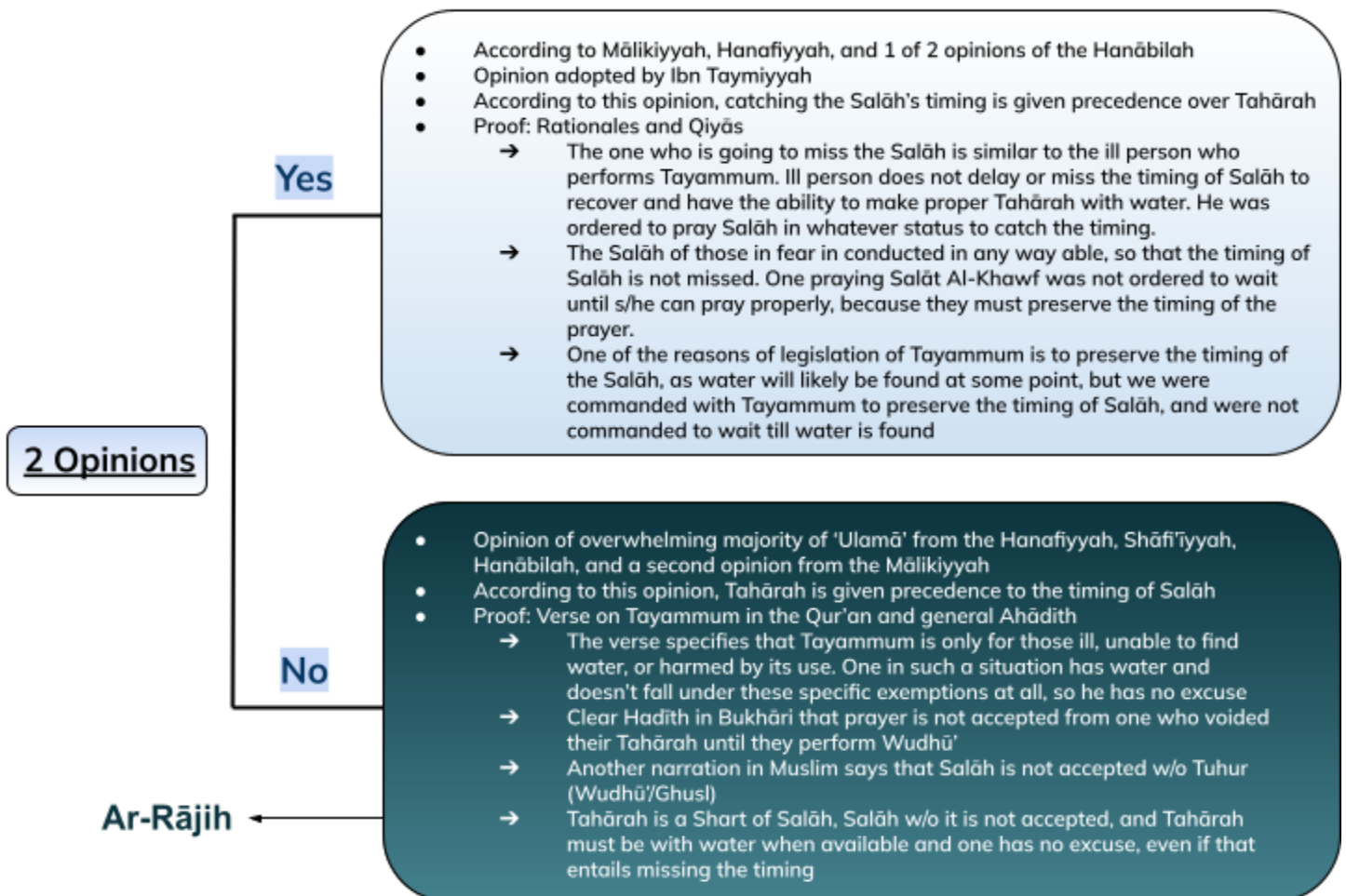
- 2 opinions:
  - **Opinion 1:** Hanafiyyah, Mālikiyyah, Hanābilah and some Shafi'iyyah said yes
    - This opinion is correct and coincides with the overall principles of the Shari'ah that deter one from causing himself possible harm
  - **Opinion 2:** Some Shafi'iyyah said no, he can't judge his own condition and status



**Issue:** Can one perform Tayammum to catch the Salāh's timing when there's only a few minutes left before it's over?

- Ex. Sunrise is at 7:40 am, and someone wakes up at 7:35 am. They need to do either Ghusl or Wudhū' for Fajr. If they do either, they will miss their Salāh. Can they do Tayammum to catch the timing of the Salāh?
- Difference of opinion on the matter
  - Sabab Al-Khilāf (reason for differing): What's more essential for Salāh and given precedence? Tahārah or the timing of the Salāh?
    - First opinion said that the timing is given precedence
    - Second opinion said that Tahārah is given precedence

**Is it permissible to perform Tayammum to catch the timing of Salāh?**



- The proofs of the second opinion are stronger
  - Wudhū' must be done when there is water and one is able to
  - There are clear mentioned exemptions for Tayammum (illness, lack of water, etc) but no clear exemption for making Tayammum when fear of missing Salāh
  - Ibn Al-Mundhir narrated an Ijmā' that one cannot make Tayammum for Salāt Al-Jumu'āh to avoid missing it when water is available
  - Hadīth: When one of you forgets Salāh or sleeps and misses it, he should pray when he remembers it
    - The timing of Salāh for one who forgets Salāh or slept through it (non habitually) is separate and special for his case (when he remembers it or wakes up)
    - If an individual woke up late, he falls under an exemption and has a different timing for his Salāh than a normal individual would, therefore he must do Wudhū'/Ghusl, not Tayammum
      - His timing falls under an exceptional circumstance
        - Important to stress that this is for one who is NOT habitually missing his Salāh/sleeping through them

### Types of Tulāb Al-'Ilm

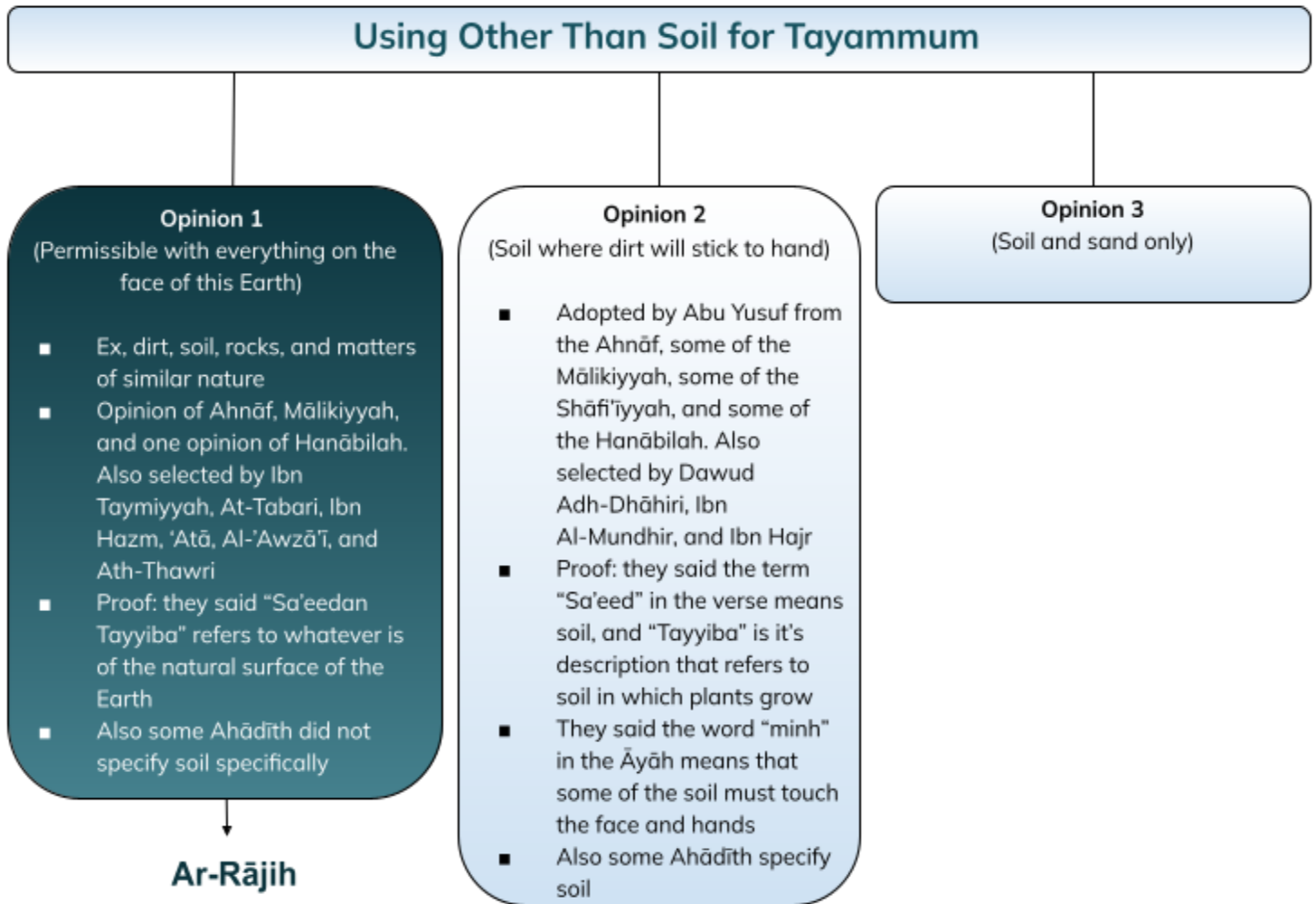
- Beginners level: takes only the correct, selected opinion (Ar-Rājih)
- Intermediate level: takes the selected opinion and the proofs and rationales under it to support it
- Advanced level: takes the Matn, the different opinions, the reasons for dispute, the proofs, the rebuttals, and more

**Issue:** Someone on a journey has some water, but if they use it for Tahārah, they will have none left to drink. Can they make Tayammum?

- Contemporary scenario: water is cut off in the city, and one only has bottled water that can be used for Wudhū' and Ghusl, but it may be needed to drink and cook with.
  - In this scenario, using that water for Tahārah when it may possibly cause him to die or cause him harm, then the water **must** be saved for drinking and cooking and do Tayammum instead
  - If he uses the water for Tahārah and causes himself harm by doing so, he will have committed a major sin,
    - Ijmā' narrated on this by Ibn Al-Mundhir, Ibn Hajr, and Ibn Hubayrah

**Issue:** Must Tayammum be done with soil?

- Ibn Al-Mundhir, Ibn Hazm, Ibn 'Abdul Barr, Ibn Rushd, Al-Qurtubi, and Ibn Taymiyyah, and others narrated Ijmā' on permissibility of using soil that has dust for Tayammum
  - Common and popular meaning of Sa'eed in the verse, is soil
  - Some Hadīth specifically mention soil
- As for Tayammum with other than soil, there are three different opinions regarding it



**Ar Rājih:** Opinion 1

- According to Arab linguists, Sa'eed does not only refer to soil, it includes rocks and other similar natural matters of the earth
  - Al-Awzā'ī said sand is from Sa'eed

- During travel, they commonly traveled through areas of rock and sand<sup>5</sup>, and Allah didn't specify to them to use soil only and they did not carry soil with them for Tayammum, even though they made Tayammum
  - Indicates that they used other matters
- Hadīth in Bukhāri: Earth has been made for me and my followers a place for prayer and a thing to perform Tayammum
  - 'Earth' here refers to more than just soil
- According to 'Usūlī rule, Ahādīth that specify soil doesn't limit it to soil only, but points to its priority and preference

**Issue:** Someone is in the hospital and is unable to get up and do Wudhū' so they need to perform Tayammum for Salāh, but they have no access to soil (or matters of similar nature) and no ability to retrieve it.

- If they are able to reach the walls, and the walls are made of some natural earth elements, according to Mālikiyyah and Hanafiyyah, one can do Tayammum off that wall (such as walls made of mud)
- If the wall is covered in paint, if the wall has dust on it, one can still perform Tayammum off it
- If there's no dust, there's two opinions (both Ijtihād of 'Ulamā' and acceptable):
  - **Opinion 1:** Tap any wall or blanket and do Tayammum
  - **Opinion 2:** one is exempted from doing Tayammum altogether and just goes straight to Salāh

**Sub-Issue:** Can one in the situation above pray more than the basic Fardh in the duration of his exemption, such as Nawāfil and Sunnah Salāh?

- Difference of opinion, but Ar-Rājiḥ is what the Hanābilah and Ibn Taymiyyah selected: that one can pray Sunnah and Witr in addition to the Fardh Salāh
  - Because they performed Tahārah to the best of their ability
- Those who said otherwise said it's because a person in such situation isn't really on Tahārah, so he shouldn't go above the Fardh
  - Response: The person did the most they could do in their circumstance. If Fardh was accepted with his Tahārah, Nafl has more or same right to be accepted

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<sup>5</sup> Ex: expedition of Tābūk, Al-'Usra

### Issue: Does one need Niyyah for Tayammum?

- All 4 Madhāhib agree that one needs Niyyah for Tayammum, even the Hanafiyyah, who dispute Niyyah for Wudhū'
- Ibn Hubayrah narrated Ijmā' that Tayammum requires Niyyah
- Proof:
  - Hadīth about actions are according to intentions
  - Qur'an Āyah commanding sincerity in worship. Sincerity is a heart action and it is intention, so one needs intention for acts of worship
- Only one who said Niyyah is not required for Tayammum is Zufr, from the Hanafiyyah
  - His reason is due to the fact that Ahnaf don't require Niyyah for Wudhū', so same principle applies here
    - Response: One cannot do Qiyās (analogy) of Tayammum with Wudhū', as intention for Wudhū' is disputed in and of itself
      - Niyyah is required for Wudhū' from majority of Fuqahā' of the 3 Madhāhib besides Hanafiyyah
      - Ahnāf don't require Niyyah for Wudhū'
      - One cannot do Qiyās on an issue in which there is dispute, as a rule of 'Usūl al-Fiqh
      - Tayammum and Wudhū' have many differences, so they can't be compared in such a context

### Issue: How is Tayammum performed?

- Wiping face and hands is Fardh of Tayammum
  - Verse is very clear on this, and many Ahādīth
  - Ijmā' related by Ibn Hazm, Ibn Qudāma, An-Nawawi, Ibn Rajab and others on this
- Strike the ground with palms (on the substance that is acceptable to use) and then wipe face and hands one time
  - Madhab of Hanābilah, Ibn al-Mundhir, Ash-Shawkani, and Ash-Shanqeeti
    - Verse is clear on this, as are Ahādīth
  - All four Madhahib and possible Ijmā' indicate that entire face and hands must be encompassed in Tayammum (as in Wudhū')
    - Because Tayammum takes the place of Wudhū', so as in Wudhū' one must encompass all the parts, so must one in Tayammum
    - That which replaces Wudhū' (Tayammum) takes the same ruling as it

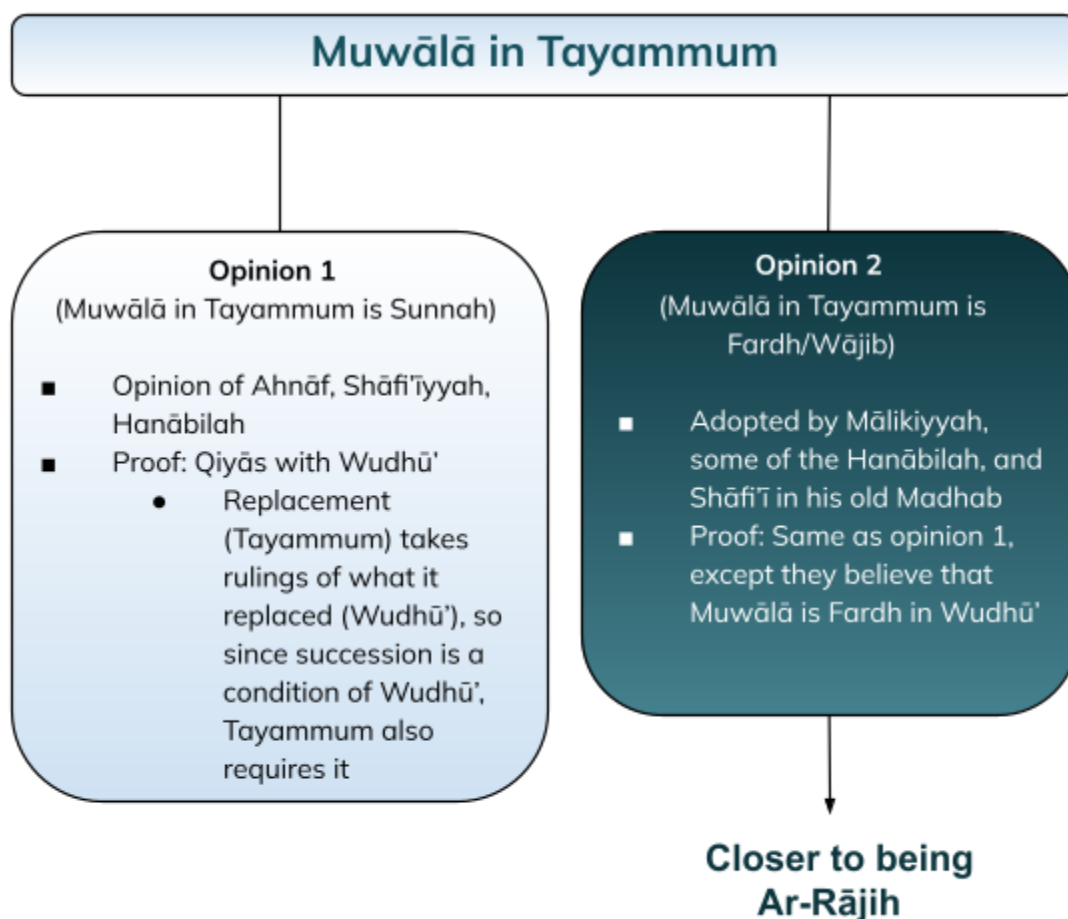


### Issue: Is the order of the face and hands significant?

- Both Āyāt of Tayammum, and Ahādīth, mention the face before the hands, so one should go by that

### Issue: Al-Muwālā (Succession)

- In Wudhū', it is to not leave a gap long enough in between washing in which the Wudhū' parts dry
- In Tayammum, there is no water used, so to maintain Muwālā in Tayammum, one must not leave a gap between the steps that equals a duration in which the parts would have dried had they been washed with water
  - Estimate how long it would take for a body part to dry depending on the current circumstances/weather, going above that would void Muwālā in Tayammum
- 'Ulamā' dispute whether Muwālā is Sunnah or Fardh in Tayammum
- Both opinions are very similar and close



### Issue: Tasmiyah (Saying The Basmalah) before Tayammum

- Recommended before Tayammum according to Hanafiyyah, Shafi'iyyah, & 1 of opinions of Hanābilah and also 1 of 2 opinions of Mālikiyyah
  - Proof: Pronunciation of Basmala before sexual relations has been recommended in a Hadīth present in Saheeh Bukhāri, so its generally recommended before 'Ibādāt
    - Bukhāri has titled a chapter "saying Bismillah in all situations, even prior to sexual relationship"
    - Most unusual and furthest time to say Bismillah is before sexual relationships, yet it's still legislated, therefore its more befitting that it be pronounced before Tayammum
  - Some 'Ulamā' said its Sunnah before Wudhū' therefore, also Sunnah for its replacement (Tayammum)

### Issue: One is recommended to start with right hand in Tayammum

- Clear Hadīth in Bukhāri and Muslim

### Issue: Should one blow dust off hands after striking soil or dirt?

- **Opinion 1:** Yes, one should lessen the dirt that sticks to the hands by blowing
  - Held by Hanafiyyah, Mālikiyyah, Ash-Shāfi'i in his old Maddhab and 1 of 2 opinions of Imām Ahmad
  - According to the Hanābilah and Shafi'iyyah, it should only be done if the soil that sticks to the hands is a lot
  - Proof: clear Hadīth on Messenger ﷺ blowing the hands after striking the earth for Tayammum
- **Opinion 2:** It's disliked to blow soil off hands
  - Second opinion of Imām Ahmad
  - Proof: Ibn 'Umar didn't blow after he struck earth for Tayammum

#### Ar-Rājih: Opinion 1

- It is permissible, even Mustahhab, to blow off excess soil, as it will spare the face from becoming dirty.
- If one assumes the narration regarding Ibn 'Umar is authentic, it's Mawqūf, and there is clear authentic Hadīth indicating that the Messenger ﷺ blew on

his hands, so the action of the Messenger ﷺ is given priority over the action of a Sahābi